

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ERIC CHRISTIAN,

Plaintiff,

VS.

PETER LEAVITT, *et al.*,

Defendants.

Case No.: 2:15-cv-00303-GMN-GWF

## ORDER

Pending before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (ECF No. 4). Plaintiff Eric Christian (“Plaintiff”) filed an objection. (ECF No. 6). For the reasons discussed herein, the Court adopts in full the Report and Recommendation.

## I. LEGAL STANDARD

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1–4. 28 U.S.C. § 636(b)(1)(B); D. Nev. Local R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions of the Report to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. Local R. IB 3-2(b).

## II. DISCUSSION

Prior to the instant case, Plaintiff filed a separate action before this court, which alleges the same set of facts. (*See* Report and Recommendation 1:16–23, ECF No. 4). This separate case was ultimately dismissed with prejudice. *See Christian v. United States*, No. 2:14–cv–01151–RFB–GWF, 2015 WL 9478232 (D. Nev. Dec. 29, 2015). In the Report and Recommendation, Judge Foley recommends dismissal of the instant action, stating “[t]here is

1 no need for the Court to open a second case to litigate the same series of facts.” (Report and  
2 Recommendation 1:16–23). Specifically, Judge Foley notes that “the instant action appears to  
3 be nothing more than the Plaintiff attempting to avoid the Court’s recommendation that his  
4 [related case] be dismissed with prejudice.” (*Id.*).

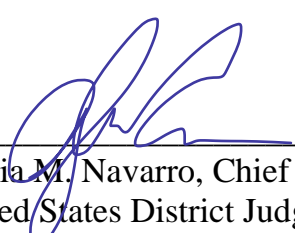
5 In his Objection, Plaintiff argues that the Magistrate Judge “erred by stating that Peter  
6 Leavitt [cannot] be sued.” (Objection at 1, ECF No. 6). Plaintiff’s Objection is unresponsive to  
7 the actual issues raised in the Report and Recommendation. Notably, Plaintiff does not provide  
8 any argument addressing the separate action before this Court. The Court has reviewed the  
9 record and finds dismissal with prejudice appropriate.

10 **III. CONCLUSION**

11 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 4), is  
12 **ACCEPTED** and **ADOPTED** in full.

13 **IT IS FURTHER ORDERED** that this action is dismissed with prejudice. The Clerk  
14 of Court is instructed to close the case.

15 **DATED** this 25 day of October, 2017.

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19 Gloria M. Navarro, Chief Judge  
20 United States District Judge  
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